

CITY OF NEWTON, MASSACHUSETTS
PLANNING AND DEVELOPMENT BOARD

RULES AND REGULATIONS

ARTICLE 1 PURPOSE

The Newton Planning and Development Board is established under Sec. 22-3 of the Revised Ordinances of the City of Newton and Mass. General Laws Chapter 705 of the Acts of 1975, as amended, for recommendations on the comprehensive plan, review of plans, proposals or agreements for the acquisition of real property, for the formulation and submission of recommendations for the annual community development plan, and for review and approval of the acts of the director of planning and development, as provided in Section 22-2(c).

ARTICLE 2 MEMBERSHIP

Section 1. Number, Appointment and Term

The Board shall consist of five members who shall be residents of the City of Newton and who shall be appointed by the Mayor and confirmed by a majority vote of the Board of Aldermen, in accordance with Sections 22-3 and 2-8. In addition, another member shall be appointed by the state Secretary of Housing and Economic Development and another member shall be the director of planning and development, *ex officio*. There shall also be appointed, in a similar fashion by the Mayor and Board of Aldermen, not more than five alternate members. In the event that any member, except the state appointee or the director, is absent or unable to act for any reason, the chair shall designate an alternate member to act.

A member shall serve for a term of five (5) years and continue to serve after the expiration of his term until a successor has been appointed and confirmed. The member appointed by the Secretary shall serve for three years or until a successor has been appointed and confirmed.

Members shall be appointed for overlapping terms such that a term expires on February first of each year.

Section 2. Voting Rights

At every regular or special meeting of the members, each full member (or alternate member designated by the chair) shall be entitled to one (1) vote, in person, on each matter submitted to a vote of the members.

Section 3. Resignation or Removal

A member may resign by delivering his or her written resignation to the Mayor. Such resignation shall be effective immediately. A member may be removed for cause by a majority vote of the members, with the consent of the Mayor. Failure to attend three (3) consecutive meetings of the Board without sufficient excuse shall be grounds for removal pending a majority vote by the members and consent of the Mayor. Any member proposed to be removed shall be entitled to at least ten (10) days notice in writing, by mail, prior to the meeting at which such vote for removal will take place. A member has a right to request and receive a hearing before the Board prior to removal.

ARTICLE 3 MEETINGS OF THE MEMBERSHIP

Section 1. Regular Meetings

The Board shall meet at least monthly unless there is no scheduled business for that month.

Section 2. Special Meetings

Special meetings of members may be called at any time, and with proper notice, by the Chair or other presiding officer or by a majority of the members and shall be held at such time and for such purposes as may be specified in the notice for said meeting. At such special meeting, no business shall be considered other than as designated in the notice.

Section 3. Place of Meetings

All meetings of members shall be held in the City of Newton and in the absence of specific designation will be held at Newton City Hall.

Section 4. Public Notice

There shall be no meeting of the Board unless notice of a regular or special meeting shall have been given to the public, in accordance with the General Laws of the Commonwealth, and at least forty-eight hours in advance of said meeting.

Section 5. Notice of Meetings to Members

Written notice of regular and special meetings of the Board, stating date, hour and place thereof and the purpose for which the meeting is being held shall be given by the Director or his/her designee, at least five (5) days prior to the scheduled date of the meeting, to each member of the Board.

Section 6. Quorum

A quorum shall consist of the presence of a majority of the members of the Board then in office. A duly called regular or special meeting of the members shall not be organized for the transaction of business unless a quorum is present, but the members present at a duly organized meeting can continue to do business until adjournment, and the acts of such a meeting shall be the acts of the members.

Section 7. Action of Meetings

All recommendations or other actions of the Board shall be voted upon and passed by a majority of the members present at a regular or special meeting as long as the members present represent a quorum.

Section 8. Presiding Officers

The elected Chair of the Board or his/her designee shall preside at all regular or special meetings of the members. In the event of the Chair's absence or disability, the Vice Chair shall perform the duties of the Chair.

Section 9. Minutes of Meetings

Minutes of meetings shall contain date, place, members present and members absent, actions taken and signature of person taking minutes.

Section 10. Conduct of the Public

Members of the public in attendance may not speak unless invited to do so by the Chair. This rule also applies to committee meetings.

ARTICLE 4 COMMITTEES

The members may from time to time by majority vote appoint such standing or temporary committees as they may consider appropriate. The members may delegate to the Chair or other presiding officer the power to appoint committees of members to conduct functions in the course of the Board's business. Committees shall meet monthly and provide monthly status reports at a regular meeting of the Board. Temporary committees shall be discharged upon acceptance of their final reports.

ARTICLE 5 OFFICERS

Section 1. Elections

Board members shall consider nominations for Chair and Vice-Chair each year in May. Members shall elect a Chair and a Vice-Chair each year in September.

Section 2. Vacancies

If any office becomes vacant by reason of death, resignation, removal, disqualification or otherwise, a successor shall be appointed in the same manner as the original appointment for the remainder of the term.

ARTICLE 6 CONFLICT OF INTEREST

A member must disclose to the Board any conflict of interest in any matter being considered by the Board and shall not participate in any manner in the proceedings dealing with that matter except as may be permitted by law.

ARTICLE 7 EXTERNAL COMMUNICATIONS

External communication of policies, programs or other matters relating to the Board should be made on behalf of the Board only by the Chair or his/her designee or the Director. Requests for information on matters of public record, such as the approved minutes of meetings, should be referred to the Director. Except as specified above, public statements relating to such matters by individual Board members or staff shall clearly disclose the fact that the statement is not one of the Board.

ARTICLE 8 DIRECTOR

The Director of Planning and Development, a member of the Department of Planning and Development, shall also serve as Director to the Board. He or she may from time to time designate members of his/her staff to perform such duties as are usually incidental to his or her position.

ARTICLE 9 AMENDMENTS

Any part or all of these rules and regulations may be altered, amended or repealed by a two-thirds (2/3) vote of the Board members present at a regular or special meeting of the Board duly called for that purpose, provided that notice for such meeting was mailed to the Board no less than five (5) days before such meeting.

GOVERNING LAWS

Chapter 22, Article I, Sec. 22-3 of the Revised Ordinances of the City of Newton.

Chapter 1, Sec. 2-8 of the Revised Ordinances of the City of Newton.

Chapter 705 of the Massachusetts Acts of 1975, as amended

Chapter 39, Sec. 23 of the Commonwealth of Massachusetts General Laws (Open Meeting Law.)

Adopted December 1, 1997

Amended: May 5, 2008